

JASON M. FRIERSON
United States Attorney
Nevada Bar Number 7709
K. NICHOLAS PORTZ
Special Assistant United States Attorney
Nevada Bar Number 12473
501 Las Vegas Blvd. South, Suite 1100
Las Vegas, Nevada 89101
Phone: (702) 388-6336
Email: Nick.Portz@usdoj.gov
Email: Bianca.Pucci@usdoj.gov
Attorneys for the United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TREVION DARNELL MITCHELL,

Defendant.

2:21-cr-00156-JCM-VCF

**STIPULATION TO EXTEND
BRIEFING SCHEDULE
REGARDING ECF NO. 44**
(Fourth Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney, and Kenneth Nicholas Portz, Special Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Raquel Lazo, Assistant Federal Public Defender, counsel for Trevion Darnell Mitchell, that the government's response deadline to Defendant's Motion to Suppress (ECF No. 44) currently set for August 15, 2022, be vacated and extended to August 22, 2022. Furthermore, it is stipulated that Defendant's reply deadline to the government's response be reset to August 31, 2022.

This Stipulation is entered into for the following reasons:

1. The parties previously entered Stipulations to Extend Briefing Schedule Regarding

1 ECF No. 44, as Mr. Mitchell was determining whether to accept a plea offer. Since the last
2 requested stipulation, Mr. Mitchell has rejected the offer and the parties are now moving forward
3 with briefing.

4 2. Undersigned counsel was out of the jurisdiction from August 4th through August
5 8th and now that the negotiations ended without resolving the case, undersigned counsel needs an
6 additional week for sufficient time to respond to ECF No. 44.

7 3. The parties agree to the extension of the response deadline for the government.
8 The defendant is incarcerated and does not object to the extension.

9 4. The additional time requested herein is not sought for purposes of delay, nor will
10 it cause delay to the trial which is scheduled for December 19, 2022.

11 5. Additionally, denial of this request for continuance could result in a miscarriage of
12 justice. The additional time requested by this Stipulation is excludable in computing the time
13 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
14 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
15 Section 3161(h)(7)(B)(i), (iv).

16 This is the first request to extend a responsive pleading deadline.

17 DATED this 8th day of August, 2022.

18 Respectfully submitted,

19 JASON M. FRIERSON
United States Attorney

RENE L. VALLADARES
Federal Public Defender

20 By /s/ K. Nicholas Portz
21 K. NICHOLAS PORTZ
22 Special Assistant United States Attorney

By /s/ Raquel Lazo
21 RAQUEL LAZO
22 Assistant Federal Public Defender

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TREVION DARNELL MITCHELL,
Defendant.

Case No. 2:21-CR-00156-JCM-VCF

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The parties previously entered Stipulations to Extend Briefing Schedule Regarding ECF No. 44, as Mr. Mitchell was determining whether to accept a plea offer. Since the last requested stipulation, Mr. Mitchell has rejected the offer and the parties are now moving forward with briefing.

2. Undersigned counsel was out of the jurisdiction from August 4th through August 8th and now that the negotiations ended without resolving the case, undersigned counsel needs an additional week for sufficient time to respond to ECF No. 44.

3. The parties agree to the extension of the response deadline for the government. The defendant is incarcerated and does not object to the extension.

4. The additional time requested herein is not sought for purposes of delay, nor will it cause delay to the trial which is scheduled for December 19, 2022.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United

1 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
2 Section 3161(h)(7)(B)(i), (iv).

3 **CONCLUSIONS OF LAW**

4 The ends of justice served by granting said extension outweigh the best interest of the
5 public and the defendant in a speedy trial, since the failure to grant said extension would be likely
6 to result in a miscarriage of justice, would deny the parties herein sufficient time and the
7 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
8 account the exercise of due diligence.

9 The extension sought herein is excludable under the Speedy Trial Act, Title 18, United
10 States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States
11 Code, §§ 316(h)(7)(B) and 3161(h)(7)(B)(iv).

12 **ORDER**

13 IT IS THEREFORE ORDERED that that the government's response deadline to
14 Defendant's Motion to Suppress (ECF No. 44) currently set for August 15, 2022, be vacated and
15 extended to August 22, 2022.

16 IT IS FURTHER ORDERED that the Defendant's reply deadline to the government's
17 response be reset to August 31, 2022.

18 DATED this 10th day of August, 2022.

19 

20 UNITED STATES MAGISTRATE JUDGE
21
22
23
24